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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Initial reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

URUGUAY

[23 May 1991]

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I. GENERAL

A. Country profile

1. Geographical features and population

1. The Eastern Republic of Uruguay lies on the left bank of the River Plate and of the Uruguay River. It shares borders with the Argentine Republic and the Federative Republic of Brazil. The capital is Montevideo.

2. Territory:

Total area: 318,392 km^2;

Land area: 176,215 km^2 (± 64 km^2);

Island area in the Uruguay River: 105 km^2 (± 4 km^2);

Area of waters within Uruguayan jurisidiction: Uruguay River 528 km^2 (± 40 km^2);

Area of waters within Uruguayan jurisdiction: Merim lagoon 1,031 km^2 (± 20 km^2);

Area of waters under Uruguayan jurisdiction: River Plate 15,240 km^2 (± 20 km^2);

Territorial sea: 125,057 km^2 (± 9 km^2);

Area of the Rincón de Artigas: 237 km^2 (± 6 km^2);

Average height above sea-level: 116.70 m;

Maximum height above sea-level: Cerro Catedral, in Sierra Carapé, 513.66 m;

Coordinates: Latitude: 34°22'58"S;
Longitude: 54°40'26"W.

3. Most of the population is white, the descendants of Europeans (French, Italians, Spaniards) who arrived in Uruguay in massive waves at the end of the nineteenth century and the beginning of the twentieth. The black population accounts for approximately 10 per cent of the total, and is heavily concentrated in the capital and in areas bordering on the Federative Republic of Brazil. Uruguay's indigenous population was totally exterminated in the middle of the nineteenth century. There is nowadays no indigenous population anywhere in Uruguay.

4. The official language is Spanish.

5. Demographic features:

	(millions)	Montevideo (millions)	Interior (millions)
Total population	2 955.2	1 312.0	1 643.2
Men	1 439.0	610.4	828.4
Women	1 516.2	701.4	814.8
As a percentage of total population	100	44.4	55.6

Source: Directorate-General for Statistics and Population Censuses, 1985, final figures.

6. In accordance with the provisions of article 5, which was incorporated into the Constitution in 1918, there is complete freedom of worship in Uruguay and there is no State-supported religion.

2. Overall political structure

7. Section IV of the Constitution, entitled "The form of Government and its various powers" contains a number of subsections designed to regulate the tasks of the different branches of the State and their interrelations. Article 82 stipulates as follows: "The nation shall adopt the democratic, republican form of government. Sovereignty shall be exercised directly by the electorate through elections, initiatives and referendums, and indirectly by the representative branches established by this Constitution, in accordance with the rules contained herein."

(a) The Legislature

8. Legislative authority is exercised by the General Assembly, consisting of two chambers, the Chamber of Representatives or Deputies, and the Senate. It lies with the General Assembly, inter alia:

(a) To enact laws relating to the independence, security, tranquillity and honour of the Republic; the protection of all the rights of the individual and the promotion of education, agriculture, industry and domestic and foreign trade (art. 85, para. 3);

(b) To declare war and adopt or reject, by an absolute majority of the full membership of both Chambers, any treaties of peace, alliance, commerce and conventions or contracts of any nature that the Executive concludes with foreign powers (art. 85, para. 7);

(c) To introduce the necessary taxation to meet budgetary expenditure, determine its distribution, the means of collection and investment, and eliminate, alter or increase existing taxes (art. 85, para. 4);

(d) To elect, in a joint sitting of both houses, the members of the Supreme Court of Justice, of the Electoral Court, of the Administrative Court and of the Court of Audit (art. 85, para. 19).

Chamber of Representatives

9. The Chamber of Representatives shall consist of 99 members elected directly by the people, under a system of proportional representation which takes into account the votes cast in favour of each party throughout the country (art. 88). The representatives shall hold office for five years (art. 89).

10. In order to hold the office of deputy it is necessary to be a Uruguayan by birth or to have been a naturalized Uruguayan for over five years, and to have reached 25 years of age (art. 90).

11. The Chamber of Representatives has the exclusive right of impeachment, before the Senate, of members of the Chambers, of Ministers of State, the President and the Vice-President of the Republic, members of the Supreme Court of Justice, the Administrative Court, the Court of Audit and the Electoral Court, for violation of the Constitution or for other serious offences, after having taken cognizance of the matter upon petition by a party or by one of the members, and having decided that there are grounds to proceed (art. 93).

Senate

12. The Senate shall consist of 30 members, elected directly by the people, in a single electoral district and by comprehensive proportional representation. It shall also include the Vice-President of the Republic, who shall sit as a full member and also preside over the Senate and the General Assembly (art. 94). Senators shall hold office for five years (art. 97).

13. Senators must be of Uruguayan birth or have been naturalized Uruguayans for seven years and have reached 30 years of age (art. 98).

14. The Senate is competent to initiate public proceedings against those impeached by the Chamber of Representatives or by the Departmental Board, as appropriate, and to pronounce sentence, the sole effect of which shall be removal from office, by a vote of two thirds of the full membership (art. 102).

(b) The Executive

15. Executive authority is exercised by the President of the Republic, acting in accordance with the respective minister or ministers or with the Council of Ministers (art. 149). The Vice-President of the Republic fills the office of President in the event of a temporary or definitive vacancy of that office, and also presides over the General Assembly and the Senate (art. 150).

16. Both the President of the Republic and the Vice-President are directly elected by the people (electorate) by a simple majority of votes under the simultaneous dual vote system under which votes cast for different party states may not be cumulated (art. 151).

17. The President or the Vice-President must be of Uruguayan birth and have reached 35 years of age.

18. The Council of Ministers shall consist of the heads of the ministries and be exclusively responsible for all acts of government and administration proposed by the President of the Republic or by his Ministers on topics relating to their ministries (art. 160). The Government currently comprises the following ministries:

Ministry of Defence;

Ministry of the Interior;

Ministry of Foreign Affairs;

Ministry of Labour and Social Security;

Ministry of Livestock, Agriculture and Fisheries;

Ministry of Transport and Public Works;

Ministry of Industry and Energy;

Ministry of Public Health;

Ministry of Education and Culture;

Ministry of Tourism;

Ministry of Housing, Regional Planning and the Environment.

19. The President of the Republic assigns the ministries to persons who, by virtue of their parliamentary support, are assured of remaining in office (art. 174).

(c) The Judiciary

20. Judicial authority is exercised by the Supreme Court of Justice and the courts and tribunals, as prescribed by law (art. 233).

21. The Supreme Court of Justice consists of five members (art. 234), who must satisfy the following requirements (art. 235):

(a) At least 50 years of age;

(b) Current Uruguayan citizenship by birth, or by naturalization for 10 years, with 25 years' residence in Uruguay;

(c) Ten years' practice as a lawyer, or as such eight years as a member of the judiciary or the Public Prosecutor's Office.

22. Appointments shall be made by the General Assembly for a period of 10 years.

23. The Supreme Court of Justice is responsible for appointing judges of all other ranks and categories, by an absolute majority of the members.

(d) Autonomous bodies and decentralized departments

24. The various State industrial and commercial departments are managed by boards of directors or by directors-general and shall be decentralized to the extent determined by the Constitution. The following bodies are autonomous: the Central Bank of Uruguay, the Social Security Bank, ANCAP (Administración Nacional de Combustibles, Alcohol y Portland), OSE (Obras Sanitarias del Estado), Banco Hipotecario del Uruguay, etc.

(e) Departmental administration

25. The government and administration of the 18 departments, with the exception of the forces of law and order, fall under a Departmental Board and a municipal intendant (art. 262). The departmental authorities are elected at the same elections as the national authorities. The Departmental Boards shall consist of 31 members (art. 263).

26. Members of the Departmental Board must have reached 23 years of age, and be Uruguayan by birth or have been naturalized Uruguayans for at least three years, and have been born in the department or have lived there for at least three years (art. 264).

27. The same requirements apply to intendants as to senators, i.e. they must have been born in the department or have lived there for at least three years (art. 267).

28. The Departmental Board exercises the legislative and supervisory functions of the departmental government (art. 273) and the Intendant exercises the executive and administrative functions of the departmental government (art. 274). The departmental governments possess administrative and financial autonomy vis-à-vis the national Government (art. 297).

(f) Administrative Court

29. The Administrative Court hears proceedings to annul administrative acts performed by the administration that are contrary to legal precept or constitute an abuse of authority (art. 309). It also exercises jurisdiction over acts by the State, and it comprises five members. Annulment proceedings may be initiated by anyone with right or direct personal and legitimate interest which has been violated or injured by the administrative act (art. 309).

30. Whenever the Court annuls the act, the claim for redress must be entered in the ordinary courts to determine the injury caused. Such cases are heard by the ordinary administrative courts.

(g) Electoral Court

31. The Electoral Court consists of nine members, five of whom are appointed by the General Assembly, and who must be citizens whose political status is a guarantee of their impartiality. The remaining four members are representatives of the majority political parties (two from the majority list of the party which receives the greatest number of votes and two from the majority list of the party with the next highest number of votes) (art. 322).

32. The Electoral Court has jurisdiction over all electoral acts and procedure and exercises disciplinary and financial supervision over the electoral bodies.

3. Economic, social and cultural features

	1988
33. GDP at current market prices (millions of NUr$)	2 855 324
GDP per capita, at current factor cost (millions of NUr$)	785 280
	(Second semester)
Activity ratio	57.1
Rate of employment	52.4
Rate of unemployment	8.3
Rate of underemployment	7.6
Balance of payments (millions of US$)	73.1
Value of foreign debt on 31 December 1987 (millions of US$)	6 330.5
Consumer price index (annual average, March 1973 base = 100)	360.94
Illiteracy rate (1985)	4.25%

4. General legal context within which human rights are protected

34. The rights set out in the various international human rights instruments to which Uruguay is a party have been enshrined in the Constitution and their exercise is, in most cases, governed by law.

35. Although there is no specific legal norm on the direct applicability under domestic law of the provisions of an international instrument, Uruguayan legal practice accepts the principle without dispute.

36. In principle, a current treaty which has been ratified by Uruguay is directly implemented under domestic law and may be invoked before the national courts, unless otherwise specified by the treaty itself or unless the very nature of the international norm renders this impossible.

37. A treaty under domestic law is accorded the same status as it has in ordinary law.

5. Remedies available to victims of human rights violations and system of compensation

38. (a) The Judiciary, the Criminal Courts, the Courts of First Instance, the Criminal Courts in Montevideo and the Courts of First Instance in the interior: jurisdiction is determined by the objective criterion and the courts hear all the criminal proceedings and order any necessary investigations into the acts classified as serious offences;

(b) The Judiciary, the Civil Courts, the Civil Courts of First Instance in Montevideo and in the interior handle all the civil aspects of serious offences in amparo proceedings. Application for amparo is granted to protect any right that has been infringed when protection does not come within the scope of any other specific legal remedy laid down by law;

(c) Compensation through the courts for administrative acts that have caused injury to third parties.

B. Information on and dissemination of the International Covenant on Economic, Social and Cultural Rights

39. This report has been prepared by the Human Rights Section of the Directorate-General for Political Affairs of the Ministry of Foreign Affairs of the Eastern Republic of Uruguay. The information it contains has been provided, as appropriate, by the Ministry of Education and Culture, the Ministry of Labour and Social Security, the Ministry of Public Health and by the Directorate-General of Statistics and Censuses.

40. The democratic Government is committed to disseminating the International Covenant on Economic, Social and Cultural Rights, as well as the other instruments that make up the universal system of protection for the individual.

41. The Ministry of Foreign Affairs has requested approval for a technical assistance programme, currently being considered by the Centre for Human Rights, to ensure large-scale dissemination of these instruments and improve the technical training of the personnel responsible for their implementing them.

C. Legal situation and actual implementation of the International Covenant on Economic, Social and Cultural Rights

42. To supplement the above information, copies of sentences handed down by the Uruguayan courts pursuant to the provisions of the Covenant are set out in an annex.

D. Role of international cooperation in the implementation of the International Covenant on Economic, Social and Cultural Rights

43. In 1990 the Advisory Office of the Social Investment Programme, which is part of the Office of the President of the Republic, decided to set up an advisory committee comprising official representatives of the Ministry of Education and Culture, the Ministry of Health and of the Planning and Budget Office in order to provide support and to supervise the Administrative Committee of the Social Investment Fund. The aim of the Administrative Committee is to implement in full the Social Investment Programme drawn up by the United Nations Development Programme (URU 90/001) and designed to assist the lowest income groups.

44. The international cooperation extended to Uruguay has been and will be used to meet the needs of the most underprivileged sectors of the community, in accordance with the following table.

Table 1

Emergency Social Investment Fund (FISE)

	US$		US$
Contributions received		**Investment made**	
Donation by Govt. of Spain	5 000 000	Supplement to family allowances for the "Verano Solidario" progr.	4 900 000
Donation by Govt. of United States	1 750 000	Food supplement and recreation (ANEP)	712 000
IDB Social progress trust fund	775 000	Rehabilitation of sports grounds	295 000
Donation by Govt. of Canada	123 000	Equipping Miquelete prison for the INAME	34 500
Contributions pledged		Funding for the shipment of medical equipment worth approximately $2 000 000 from the Pan American Foundation to the Action through Solidarity Fund	25 500
Donation by Govt. of Italy	11 000 000	Various welfare measures through the Action through Solidarity Fund	30 000
Contributions under negotiation		Contribution to the Río Negro district for assistance to victims of the hailstorm that affected the town of Young	10 000
IDB Loan for the construction of social infrastructure (schools, polyclinics, homes)	40 000 000	Contribution to the district of Durazno to assist flood victims	10 000
IDB Loan for the construction of low-cost housing	60 000 000	Equipment for the national fire service	15 500
Investment pledged		Contribution for the organization of the national sports day for children of INAME	2 000
Contribution to the Min. of Hlth for infrastructure works	200 000	Donation to ONPLI for the purchase of a vehicle	2 000
Rehabilitation of sports grounds in the provinces through Intendants	180 000	Donation to school No. 17 in Florida	1 700
Contribution to Artigas district to assist flood victims (partly carried out)	10 500	Installation of electricity supply for the Portones de Hierro district in Bella Unión	10 000
Projects for execution in the interior	150 000	Donation to the San José de Tacuabé school	2 000
Percentage completed: 89.6%		Donation to the San Adolfo de El Dorado school	5 000
		Contribution to the CAIF plan	2 000
		Extension of the Educ. Assist. Centre in Lavalleja district	50 000
		Funding for an organic farms and allotments project through CARITAS	14 980
		Funding for a craftsman's project for Manos del Uruguay and FUNDASOL	29 950
		Funding for a waste sorting project in Rivera department through INTEC	28 770
		Constr. of 144 basic housing units for the homeless	775 000
		Project supervision	8 400
		Vehicle repairs	3 000
		Administrative costs	6 800

II. SPECIFIC RIGHTS SET OUT IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

45. This report on measures adopted and progress made in the observance of the rights recognized in articles 6, 7, 8 and 9 of the International Covenant on Economic, Social and Cultural Rights covers the period between 1 March 1985 and 31 March 1991.

Article 6

Constitutional provisions

46. The right to work is enunciated in several articles of section II of the Constitution, entitled Rights, Duties and Guarantees.

(a) Article 7 provides: "The inhabitants of the Republic are entitled to protection of their right to life, honour, freedom, safety, work and property. No one may be deprived of these rights except by such laws as are enacted in the general interest."

(b) Article 36: "Anyone may engage in work, farming, industry, commerce, a profession or any other lawful activity, subject to the restrictions laid down by law in the general interest."

(c) Article 53: "Work is afforded special protection by law. It is the duty of every inhabitant of the Republic, without prejudice to his freedom, to apply his intellectual or physical energy in such a manner as to benefit the community, which in turn will endeavour to provide, with preference for citizens, an opportunity to earn a livelihood by engaging in an economic activity."

(d) Article 54: "The law must recognize everyone's right, as a worker or employee, to an independent moral and civic conscience, to fair remuneration, limitation of the working day, weekly rest and physical and moral hygiene. The employment of women and minors under 18 years of age shall be subject to special regulations and restrictions."

(e) Article 55: "The law shall regulate the impartial and equitable distribution of labour."

(f) Article 56: "Any firm that requires its personnel to live on the premises shall be obliged to provide adequate food and accommodation in accordance with such conditions as the law may establish."

Statistical information

47. Statistical information on economic indicators showing trends in employment, unemployment and underemployment are provided in an annex. The charts in the tables show the trends in such indicators among specific groups such as women, the elderly and young people, broken down by category.

Policies to overcome the crisis

48. The Eastern Republic of Uruguay is once again in the throes of the economic crisis that has affected and continues to affect Latin America. The immediate repercussions of the crisis are encountered in the labour situation, causing an increase in unemployment, migration of the labour force, underemployment and work in the informal sector. In addition, the public sector deficit and the devaluation of the exchange rate to increase exports and reduce imports so as to adjust the trade balance have fed inflation.

49. In the circumstances, the present Government adopted a range of measures to tackle the crisis and introduced practical mechanisms that held out hope of turning the economy round. Thus, to cut down the fiscal deficit the Government severely restricted superfluous public spending, called up Uruguay's gold reserves and its foreign placements, renegotiated the repayment terms for interest on the foreign debt and adopted a tax policy that focused on unproductive sectors, as a means of reviving the productive spheres of the economy.

50. These steps to reduce expenditure included a legislative measure to encourage civil servants to retire by offering financial incentives and bonuses, so as to cut down the State bureaucracy and develop a more efficient and streamlined administration that would prove less costly to the public purse. In addition, measures were adopted to act as an incentive to the private sector to hire former civil servants, under a generous system of exemptions from employers' contributions for firms that took them on.

51. The quantifiable achievements of these measures lie in two basic areas: first of all, the US$ 633 million reduction in the foreign debt, entailing a saving of US$ 40 million a year in interest payments; and secondly, the levelling off of the inflationary spiral. The Overall Consumer Price Index rose by 5 per cent throughout March 1991, thereby yielding a cumulative annual variation of 16.53 per cent during the year, and 118.075 per cent for the previous 12 months. The variations during the same periods the previous year were 8.9, 22.34 and 95.41 per cent respectively.

Equal opportunities and treatment in employment

52. Since democracy was restored in 1985 there have been no dismissals, exclusions, restrictions or preferences affecting individuals or groups of individuals on the grounds of race, religion, social origin or political opinion in Uruguay.

53. In the unlikely event of any discrimination on such grounds in employment, the victims may avail themselves of expeditious remedies to assert their constitutional rights.

54. The labour courts are responsible for hearing such cases and for the appropriate sentences for the injury and damage caused, once the admissibility of redress for moral injury has been established.

Article 7

Minimum wages

55. Act No. 10,449, dated 12 November 1943, instituted tripartite collective bargaining to determine the minimum wages of workers in industry, trade, offices and administrations as well as in public services outside the State sector. The Act instituted Salary Boards, whose tasks and powers are specifically determined by the Act.

56. The Salary Boards operated on a regular basis until 1968. At that time, Uruguay was in the grips of a deep economic crisis, with a rate of inflation of close on 139 per cent; as a result, the Government was compelled to decree a permanent wage and price freeze. Subsequently, the takeover by a military Government which remained in power from 1973 to 1984 in itself prevented any form of bargaining involving trade unions.

57. With the restoration of democracy on 1 March 1985, all the country's political forces agreed on the need to bring back the Salary Boards. Decree No. 178/985 of 10 May 1985 restored the Salary Boards and at the same time approved a new system of classification by group of activities. This reclassification was essential to bring the branches of activity typical of 1943 into line with the new economic requirements and the technolcgical changes in Uruguay's productive sector four decades later.

58. The Salary Boards are currently the natural and mandatory forum in which private sector employers and workers, with the assistance of representatives of the Executive, work out basic wage and salary awards for each sector of activity and category of employment. In this last respect, since 1989 the parties concerned have agreed on collective sectoral agreements operative for an extended period (a year or more). These agreements, which have received support from entrepreneurial sectors and from the Sole Workers Federation (PIT-CNT), have considerably diminished labour disputes.

59. Lastly, it should be noted that the wages of public employees and rural wage-earners are adjusted on the basis of guidelines established by the Executive and based on an average of previous inflation and forecast inflation rates for the four-month period to which they will apply.

Brief history of the emergence of Uruguayan trade unionism

60. Uruguayan trade unionism emerged early on, compared with other countries in Latin America. The first stable trade union appeared in 1865 (the Printers Society) and by the end of the nineteenth century there were more than 40 unions in Uruguay, concentrated in the towns and cities. The unions were trade-based, marked by a strong anarchist trend which, although later set aside, was to characterize Uruguayan trade unionism for many years to come; by total independence vis à vis the State, by opposition to any trade union legislation, to any bureaucracy on the part of the union executives, voluntarism among the executives and a powerful ideological bent.

61. The trade union movement changed in the 1930s, and sectoral unions came to the forefront.

62. The world crisis in 1929 and Uruguay's economic situation strengthened the Uruguayan workers' movement, which made great strides in collective bargaining with the adoption, in 1943, of the Salary Boards, which still exist.

63. Since 1966, workers have been almost exclusively represented by a single dominant union, the Convención Nacional de Trabajadores (CNT). When the takeover took place, the CNT was banned and most of its executives were imprisoned, exiled or dismissed. As from 1980, at the height of the dictatorship, trade unionism revived with the organization of protests and with proclamations made on behalf of the Workers Inter-Union Plenary.

64. In November 1985 the Third Congress of the CNT was held after a break of almost 12 years in trade union activity. The total number of members of trade unions entitled to representation in the Congress was 240,000, i.e. 30 to 33 per cent of the number of public and private sector wage-earners in the working population.

Source: El Movimiento Sindical Uruguayo ante la Redemocratización, Juan Rial (OIT-PREALC) 1986.

65. Trade unionism in figures:

Table 2

Unionization among State employees

Sector	Union	Percentage of unionization
Central Administration Judiciary, Electoral Court, Court of Audit and Administrative Court	COFE (Confederación Funcionarios del Estado)	44
Railways	UF (Unión Ferroviaria)	70
Electric Power	AUTE (Asociación Funcionarios UTE)	100
Communications	SUTEL (ANTEL Union)	92
Official banking sector	AEBU (Asociación Empleados Bancarios Uruguay - official banking sector)	97
Water	FOSE (Federación Funcionarios Obras Sanitarias del Estado)	87

Table 2 (continued)

Sector	Union	Percentage of unionization
Shipping	SUANP (Sindicato Asociación Nacional de Puertos)	69
Judiciary	AFUJU (Asociación Funcionarios Judiciales)	42
Education	CSEU (Coordinador Sindical Enseñanza del Uruguay)	47
Fuels	FEDANCAP (Federación Administración Nacional Combustibles, Alcohol y Portland)	80
Montevideo Intendencia	ADEOM (Association of Municipal Employees and Workers)	87
Excluding the Ministries of Defence, the Interior and Foreign Affairs. Persons in the first two may not join unions.		
Governorship of the Interior	F. DEMU (Federation of Municipal Employees)	92

Number of employees	Members	Total for sector
162 275	102 381	75

Table 3

Unionization in industry

Sector		Percentage of unionization
Meat industry	Meat Federation	48
Dairy industry	Dairy Federation	78
Fisheries	CUPIP	51
Oil	SA	62
Milling	FOYEMA	100
Pasta	SUOPA	11
Preserves	ONODRA	100
Cocoa	Confiteros	32
Beverages	FOEB	74
Clothing	SAT	54
Textiles	COT	68
Leather	Tanners	48
Timber	SOIMA	68
Paper	Paper Federation	72
Printing	SAG	32
Chemicals	SMQ	62
Rubber	Rubber Federation	82
Glass	FOIV	83
Metallurgy	UNTMRA	45
Number of employees:	114 239	Industry as a whole: 58
Members:	68 306	

Table 4

Unionization in other sectors

Sector		Percentage of unionization
Rural (agricultural workers)	FENARU	90
Transport	FOT (Federacion Obrera del Transporte)	40
Services	FUS (Federación Uruguaya de la Salud)	
	APU (Asociación Prensa Uruguaya)	50
Commerce	FUECI (Federación Uruguaya Empleados del Comercio)	22
Construction	SUNCA (Sindicato Unico de la Construcción)	100
Number of employees:	147 000	
Members:	68 625	

Table 5

Percentage of trade union membership in the private and public sectors

	Percentage	Members
Private sector:	56	136 222
Public sector:	44	102 391
Total:		238 613

Table 6

Percentage of trade union members by sector of activity

Sector	Total	State employees	Private sector
Industry	36.6	4.5	60.8
Services	46.5	78.2	20.2
Transport	7.	9.6	8.4
Commerce	4.2	-	7.2
Energy	8.4	7.7	-
Rural	1.6	-	2.7

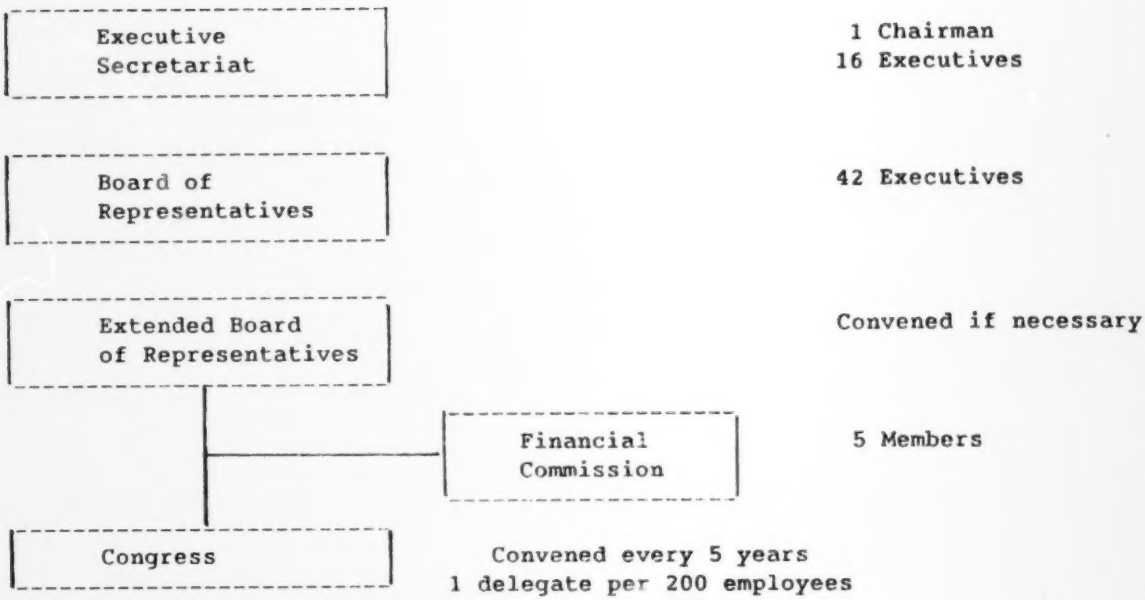
Table 7

Pattern of union movement by class and social strata

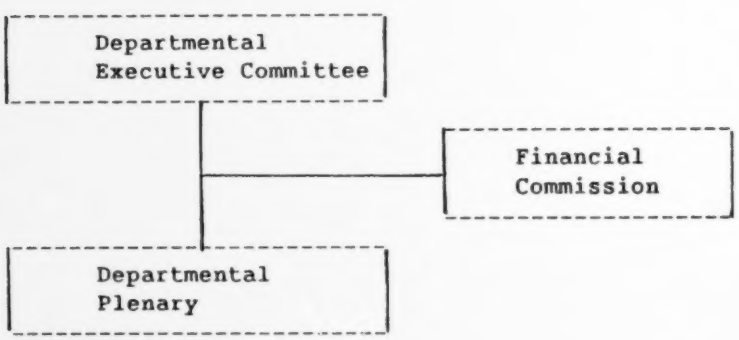
34% middle-income groups	CSEU-AEBU-COFE-JUDICIALES-FUS
38% working class	SUNCA-FOT-UNTRA
28% undefined	FUECI-ADEOM-FENARU

Figure 1

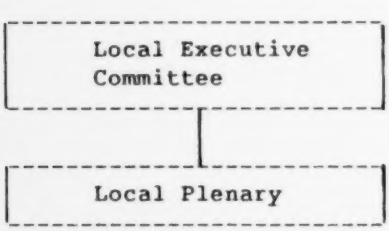
Organization of PIT-CNT



Departmental Organization



Local organization



Employment of minors

66. Article 16 of Act No. 10449 recognizes that differential wage levels may be fixed according to special situations based on considerations of age.

67. In Uruguay, possibly because the employment of minors in industrial activities was not as spectacular as in the developed countries, from the start the rules and regulations covered all workers, without distinction as to sex or age.

68. It was in 1934, with the adoption of the Children's Code, that specific rules of internal law were introduced to regulate these matters.

69. Article 54 of the Constitution provides:

> "The law must recognize everyone's right, as a worker or employee, to an independent moral and civic conscience, to fair remuneration, limitation of the working day, weekly rest and physical and moral health.
>
> The employment of women and minors under 18 years of age shall be subject to special regulations".

70. In the matter of whether and how long minors can be employed, Decree No. 852/971 fixed the minimum age for industrial, non-industrial and farm work at 15. Above this minimum, there is a higher age-limit for employment in certain activities and a minimum age of 18 is required for unhealthy or hazardous work.

71. Below this general age-requirement for employment, Decree No. 852/971 empowers the competent government agency, the National Institute for Minors, (formerly the Children's Board), to authorize persons under 15 but above 12 years of age to be employed in jobs which, because of their nature or the conditions under which they are performed, are not dangerous to life, or harmful to health and morals. This authorization may be granted to firms in which only members of the employer's family are employed and provided that such employment does not prejudice attendance at school or the capacity to benefit from instruction.

72. Regarding non-industrial activities, the National Institute for Minors, may grant authorization to employ children in light jobs (messengers, newspaper boys, sports-related jobs, fruit-and flower-picking) from the age of 13.

73. As to working hours, under no circumstances may children work more than 12 hours. It is categorically forbidden for minors aged 14 to 18 to work between 11 p.m. and 6 a.m.

74. Under article 230 of the Children's Code, the working day for apprentices and workers under 18 years of age, in industrial activities shall consist of a maximum of 6 hours a day and 36 hours a week, under a split shift system and with a weekly day of rest after the sixth working day.

75. Under article 3 of Act No. 14008 of 1971, in the clothing industry minors from 16 to 18 years of age are allowed to work a full eight-hour working day with prior authorization from the father, mother, guardian or person in charge of them and of the National Institute for Minors.

76. Under the rules of ordinary law, the valid consent of minors who are unemancipated or not of legal age to enter into binding labour contracts requires the persons who exercise parental authority to be present. This involvement of the persons in charge of the minor is set out in various regulations by the Children's Board. For example, article 236, on the pay book, stipulates such consent, together with documentary proof.

77. A minor obviously has the exclusive right to handle the amounts earned during his or her employment. This is laid down in articles 266 and 267 of the Civil Code, article 249 of the Children's Code and ILO Convention No. 95, which has been ratified by Uruguay.

78. One specific problem in the employment of minors is the minor's competence to go to court in a labour dispute. Under positive law, only persons over 16 years of age may bring suit of their own accord. In this regard, for many years Uruguayan jurisprudence only allowed the minor to be present and to be legally represented by the mother, father, guardian, etc. At present, under the terms of article 44 of the New Code of Civil Procedure, the minor's legal representative is vested with the rights of representation throughout the entire proceedings and for all purposes.

Employment of women

79. The first regulation on the employment of women was Act. No. 5032 of 1914, on the prevention of occupational accidents. Article 4 of the Act prohibited the employment of women in the cleaning and repair of motors in operation and in similar tasks. However, on account of its importance at that time and because it was a law that related exclusively to women, Act No. 6102 of 10 July 1918, known as "the chair law" marked the beginning of the legislation on the employment of women in Uruguay. This Act requires all establishments and premises at which women are employed to have a sufficient number of chairs for female employees and workers to be seated when their work so allows.

80. Next in chronological order is Act No. 7318 of 20 December 1920, which forbids any possible exceptions from the standard rules of Sunday or periodic rest in the case of minors or women.

81. The prohibition on the employment of women in the vicinity of mines is established in article 81 (2) of the Mining Code.

82. ILO Convention No. 89, which was incorporated into law under Decree No. 492/67 of 10 August 1967, prohibits night work for women between 11 p.m. and 6 a.m., but different periods may be authorized, on condition they are not shorter than seven hours, if there are reasons to justify such a course and if it is done with the consent of the labour organization which represents the women workers involved.

83. Act No. 12572 of 23 October 1958 and Act No. 15804 of 28 November 1980 deal with maternity protection for women workers.

84. The period of compulsory leave under Uruguayan law is substantially the same as the minimum period prescribed by article 3 of ILO Convention No. 103. In other words, the approach is that women workers in both the private sector (Act No. 15804, art. 12) and the public sector (Decree No. 641/973, art. 21) should in principle "cease all work six weeks before the expected date of childbirth and resume only six weeks afterwards". Nevertheless, beneficiaries may vary the periods of leave, as long as the 12-week total is maintained and the period of compulsory leave after confinement is not less than 6 weeks.

85. In the event of birth after the expected date, the period of rest is extended and no reduction of the period of compulsory leave after confinement is allowed.

86. The nature of the cash benefit during the period of maternity leave differs in the public and the private sectors; in the public sector the worker continues to receive her wages, whereas in the private sector she receives not wages but an allowance from the State (Family Allowances Department). The allowance is calculated on the amount of the wage or salary in the six months of employment prior to the period of maternity leave granted.

87. As to the right of a pregnant worker to keep her employment, article 37 of the Children's Code guarantees the right of a pregnant woman, after attestation of her condition by a medical certificate, "not to be dismissed for that reason". Similarly, Uruguayan jurisprudence increasingly takes the view that any dismissal connected with or caused by pregnancy is wrongful.

88. From the above, it is clear that a female worker must be taken on again at the end of the period of maternity leave, under the same conditions as when she left and with the raises she would have obtained if she had not broken off her work.

89. Privileges granted during working hours to nursing mothers are laid down in article 3 of Act No. 12572. The period for which they must be allowed paid interruptions of work in order to nurse their children is determined by the National Institute for Minors as stipulated by its medical services. A minimum of two half-hour periods must be authorized during the working day and they are to be counted as working time for purposes of remuneration.

90. In the public sector, article 25 of Decree No. 640/73 authorizes nursing mothers to work fewer hours or half the usual working day during the time required by the unweaned child.

91. The principle of equal pay for equal work for men and women is a natural corollary to the basic principles contained in articles 8 and 54 of the Constitution. However, for a long time those principles were not clearly formulated in internal law and even Act No. 14449, governing collective bargaining, included a provision expressly prohibiting the different wage levels for men and women. This was fully resolved with the adoption of Act No. 16045 of 17 May 1989 which prohibits discrimination against women and stipulates harsh penalties for firms which violate the principle of equal pay for equal work.

92. Equal civil rights for men and women were proclaimed in Act No. 10783, of 1946. This equality is exemplified in the free use of private savings, freedom to enter into contracts, and so on.

General labour system

93. Act No. 15996 of 9 November 1988 laid down the regulations for a new system for the payment of overtime in the private sector. It is paid at 100 per cent above the hourly wage and 150 per cent on weekly rest days or legal holidays. The maximum overtime that an employer may order per week, with the worker's consent, is eight hours.

94. An exception to the maximum amount of overtime per week was made in the case of workers and employees in the Naval Construction and Repairs Service. They are authorized to work four to six hours' overtime in cases of emergency, force majeure, accident prevention and other similar circumstances (Decree No. 632/86 of 30 September 1986).

95. The working day may not last more than eight hours, under the full or the split shift system.

96. Decree No. 717/86 of 7 November 1986 gave effect to an agreement between workers and employers in the construction industry, whereby the working day can be extended beyond eight hours, provided the total number of working hours per week does not exceed 48. The purpose of the arrangement is to cut out work on Saturdays.

97. In the case of industrial and commercial establishments, under an agreement between workers and employers the rest period of two and a half hours has been reduced to one hour. With this reduction, workers finish earlier and are thus able to enjoy their free time (Decree No. 242/87 of 13 May 1987).

98. Every employee or worker in industry, commerce, privately-owned offices, domestic service, private enterprises of public utilities and all public employers are entitled to a minimum of 20 days' annual holiday with pay. This period is increased by one day for every four years of service. Any infringement of these rights by employers, whether natural or legal persons, entails a fine. The General Labour Inspectorate, a technical body in the Ministry of Labour and Social Security, is responsible for monitoring respect for this right (Act No. 12849 and Act No. 13556 of 26 October 1966).

99. Act No. 18101 of 10 November 1989 established that the percentage of holiday wages for workers in the private sector and in non-government public enterprises shall be an amount equivalent to 100 per cent of the net holiday wages for the periods of vacation earned with effect from 1 January 1989. It must be paid before the start of the holiday and must be proportionate to the number of days involved.

Article 8

Constitutional provisions

100. The constitutional provisions are as follows:

"(a) Article 39: All persons have the right to form associations, for any purpose whatsoever, provided they do not form an association which the law has declared unlawful.

(b) Article 57: The law shall promote the organization of trade unions, according them rights and issuing regulations for their recognition as legal persons.

It shall likewise promote the creation of conciliation and arbitration tribunals.

(c) Article 58: Public officials are in the service of the nation and not of any political party. Any activity not connected with their duties is prohibited at their workplaces or during working hours, and any form of political propaganda shall be deemed unlawful. They may not organize groups for purposes of political propaganda by using the names of public agencies or the link which their positions establish among their members."

Right to unionization

101. Uruguayan legal doctrine has extensively systematized the rights stemming from the right to unionization. They are as follows:

(a) The right to join a union, whereby every worker and every employer, without distinction, has the right to join the union of his choice, the only condition being to respect the union's by-laws;

(b) The right to form trade unions without prior Government authorization;

(c) The right to organize oneself freely within the trade union (trade union autonomy);

(d) The right of trade unions to obtain legal personality;

(e) The right not to be dissolved administratively;

(f) The right to form federations and confederations;

(g) The right to join international bodies;

(h) The right of the workers to trade union privileges.

102. Three specific periods are identifiable in Uruguay as far as the right to form trade unions is concerned. A first stage of tolerance lasted up to 1973, during which time there was no legislation whatever on trade unions. The most serious institutional breakup the country has every experienced this century started on 27 June 1973 and marked the beginning of a period of suppression or prohibition of all trade union activity. When democratic elections were held and public freedoms restored, a new period began in 1984, and was characterized by protection of trade union activity. Under Act No. 15738 of 13 May 1985, the first law passed by the democratic Parliament, any laws that restricted the exercise of trade union rights were declared totally null and void. At present, notwithstanding the fact that several bills have been submitted to Parliament with provisions to regulate trade union activities, none of these initiatives has yet been passed into law. It can therefore be said that freedom of association is a right set out in the Constitution, that it is not governed by legislation and that it is exercised in accordance with the principles of self-regulation enunciated by the trade unions or trade union confederations in Uruguay.

103. Article 57 of the Constitution states, "... trade unions have the right to strike. The exercise and effectiveness of the right shall be regulated on this basis". This provision was incorporated into the Constitution in 1834. In proclaiming this right, the persons who framed the 1984 Constitution wished to establish in the words of the proposed article, that its purpose was declaratory and not constitutive. Accordingly, the right to strike existed before it was set down in the Constitution. However, despite the fact that article 57 of the Constitution refers to the regulations to be established by the law on the exercise of this right, such a general law has never been enacted.

104. In the mosaic of Uruguayan legislation, only partial regulations govern the exercise of the right to strike. For many years the Uruguayan Federation of Workers strongly opposed any regulation of this right because the workers thought that the mere fact of prescribing such rules would automatically restrict it. This attitude in the Uruguayan trade union movement has now become more flexible. The Executive has therefore announced that a bill to regulate the right to strike will be submitted shortly.

105. Indeed, except for the short period from 1973 to 1984, which was marked by the prohibition on the right to strike and greater or lesser extent restrictions on all the fundamental rights and freedoms, the absence of regulations has not curtailed free exercise of the right to strike.

106. Uruguayan doctrine and jurisprudence recognize the right to strike as one that stems from the right to unionization. Consequently, employees and workers in the private sector and public employers other than the armed forces and the police, have the right to strike (Constitution, arts. 57 and 65).

107. As a result of legislative developments marked by steps forwards and steps backwards, some provisions of Act No. 13720 of 16 December 1968, as amended by Decree-Law No. 14,781 of 8 June 1978, have survived.

108. By and large, it can be said that no attempt may be made to stage a strike or a lockout unless the Ministry of Labour and Social Security has previously been given seven days' notice. During the first five days, the Minister of Labour can declare which services are essential and must be maintained with emergency shifts.

109. The Ministry of Labour and Social Security may elicit the opinion of the workers so that they can decide by secret ballot whether to maintain the dispute or agree to negotiation formulas for settling it.

110. The payment of State pensions was declared an essential service on 28 May 1986, as were the services of the National Customs Department in respect of perishable (State) goods, on 29 May 1986, port stowage and unloading of merchandise that is perishable or is needed to avert a (State-wide) emergency, on 29 June 1986, operations carried out by the National Alcohol Fuels and Cement Administration (ANCAP), on 3 December 1986 and the services provided by the main transport company of the City of Montevideo (CUTCSA), which is a private undertaking, on 16 June 1986.

111. Regarding the provision authorizing consultation by secret ballot, on 27 August 1986, for the first time in history the Ministry of Labour and Social Security convened a meeting of the staff of a community medical assistance association to decide whether to accept or reject the conciliation proposal. Although the trade union boycotted the consultation, the practical result was that the dispute came to an end.

Article 9

Constitutional provisions

112. Article 195 of the Constitution specifies:

> "The Social Welfare Bank is hereby established as an autonomous body, with responsibility for coordinating State social welfare services and organizing social security, pursuant to rules to be established by a law which must be enacted within a period of one year. The directors may not be candidates for any elective office until after the Government has completed one term in office, the provisions of article 201, paragraph 3, being applicable in this case."

Article 67

> "General retirement pensions and social security benefits shall be such as to guarantee all workers, employees and employers adequate retirement pensions and allowances in the event of accident, sickness, disability, enforced unemployment, etc. and, in the event of death, the corresponding pension for their families. Persons who have reached the end of their productive life, after long residence in Uruguay and who lack the means to provide for the necessities of life are entitled to an old-age pension."

Sickness benefits

113. The Uruguayan system of sickness coverage includes the following schemes:

(a) A public medical care scheme. It is operated by the Ministry of Health, Universidad de la República, Hospital de Clínicas, Ministry of Education and Culture, Children's Board, Ministry of Defence, the Military Hospital, Ministry of the Interior and Police Hospital. This medical system provides preventive and curative services and is financed from the State regular budget. This medical coverage is completely free for persons who are declared indigent;

(b) A private medical care scheme which functions in two ways, either in the form of individual private medical care provided by the professionals working individually, or in teams, under a free referral system.

114. Private medical care through group schemes may take three forms:

(a) Welfare associations, which operate on the principles of mutual benefit societies;

(b) Cooperatives of professionals, with capital contributed by the professionals working in them;

(c) Welfare services set up and financed by private or mixed economy enterprises for the purpose of providing medical care on a non-profit basis to the staff of the enterprises and to their families.

115. A social security scheme providing sickness benefits has been in operation in Uruguay since the 1950s.

116. Under Act No. 14407 of 22 July 1975, the beneficiaries are:

(a) Workers in general, meaning persons who provide services as subordinates, whatever their position or category of work;

(b) Workers in the Architecture Division of the Ministry of Transport and Public Works;

(c) Unemployed workers or workers covered by unemployment benefits;

(d) Retired workers or pre-retirement workers, for the sole purpose of maintaining their membership of the medical care body, by means of a system of exemptions, and to which they contribute directly;

(e) Direct family members of the person insured, under the same conditions as the category mentioned above.

117. The sickness insurance scheme covers medical and cash benefits. Medical care is provided through private or government institutions authorized to offer such services. The Sickness Insurance Department (a branch of the Social Welfare Bank) hires the services of the medical institutions and pays the member's contribution. Within 10 days of starting work in a firm, a worker or employee must join the medical scheme of his choice.

118. The Act stipulates that the medical benefits must be comprehensive and include confinement in specialized institutions for workers with psychiatric disorders, reimbursement of the cost of artificial limbs, contributions to costs of eyeglasses, and so on.

119. Cash benefits include:

(a) An allowance equivalent to 70 per cent of the salary or the normal basic daily wage;

(b) An allowance to the disabled: 180 days after the disability has been diagnosed by the medical service of the Social Welfare Bank (DISSE), the disabled person is to be paid an allowance;

(c) A supplementary allowance to be paid for occupational accidents or disease. This insurance is to cover the difference between the amount paid by the State Insurance Bank and the ordinary allowance (70 per cent);

(d) A sickness allowance as a result of pregnancy or childbirth: when the additional leave exceeds the normal period of 12 weeks' maternity leave;

(e) An extra amount proportionate to the time during which the allowance is received.

120. After he receives the medical certificate of discharge, the worker must be paid immediately and may not be dismissed for 30 days. If the employer infringes these provisions, the worker is entitled to double compensation for wrongful dismissal.

Unemployment insurance

121. Unemployment insurance provides for workers in the private sector when they are temporarily unemployed. In Uruguay, it is financed from the general social security contributions made by workers and employers. The present system of allowances is governed by Act No. 15180 of 20 August 1981, as regulated by Decree No. 14/82 of 19 January 1982.

122. The beneficiaries are persons who are in a situation of enforced unemployment in the private sector, in other words, who are able and want to work but have not succeeded in obtaining employment. Benefits are payable on three grounds: dismissal, total suspension of the labour relationship, or partial reduction of work. The beneficiary must have worked for a minimum of 12 months immediately preceding the period of unemployment. In the case of

a monthly-paid employee, a minimum of 6 months' employment is required, in the case of a labourer a minimum of 150 days, or in the case of a piece-worker an amount equivalent to six times the national minimum wage.

123. The unemployment benefit consists of a monthly cash allowance. In the case of complete unemployment or of total suspension of work, the allowance is as follows:

(a) For monthly-paid workers or for piece-workers, the equivalent of 50 per cent of the monthly average of computable nominal wage earned during the six months immediately preceding the dismissal or total suspension of work;

(b) For hourly or daily paid workers, the equivalent of 12 working days per month.

The benefit shall be made available for a maximum of six months and may not exceed the aggregate of eight times the monthly minimum wage.

124. In the case of partial suspension (reduction of the normal working hours by more than 25 per cent), the amount of the allowance is equal to the difference between the allowance paid in the case of dismissal and the amount actually earned by the worker during the month in which he received the allowance. This allowance is not payable to monthly-paid workers or to workers in situations where the reduction of work was explicitly agreed beforehand.

125. An unemployed person shall be entitled to a 20 per cent increase in the amount of the allowance: (a) if he is married, or (b) if he is single, widowed or divorced with dependants (ascendants, descendants under 21 years of age and other relatives who are not legally competent) and if the latter are not earning an income higher than the national minimum wage.

126. In the case of an unemployed worker who has eviction proceedings pending against him, the fact that he is the recipient of unemployment insurance constitutes the grounds for postponing his eviction from the house or dwelling he occupies.

Family allowances

127. The present system was devised in Act No. 15084 of 28 November 1980, which came into force on 1 January 1981, and regulated by Decree No. 227/81 of 27 May 1981. Article 22 of the Act establishes the general principle when it states that family allowance: "Shall be granted to all persons employed in the private sector who provide services for third persons in return for payment and have dependent children who are minors".

128. The beneficiary is the worker's child or dependent under 14 years of age. The age-limit of 14 is extended to 16 if the beneficiary has been unable to complete primary education because of a fully justified impediment or if he or she is the child of an employee who has died, is completely unfit for work

or has been deprived of liberty. The age-limit is extended to 18 if the beneficiary is in higher education or if he or she suffers from a mental or physical disability which prevents him or her from doing paid work.

129. The cash benefits are as follows:

(a) Family allowance;

(b) Maternity allowance;

(c) Family wage;

(d) Social welfare benefits for construction workers and workers at home.

130. The family allowance begins to accrue from the time pregnancy is confirmed and payment is conditional upon a periodic examination. The amount paid shall be not less than 8 per cent of the national monthly minimum wage. The maternity allowance covers the basic period of 12 weeks' maternity leave and the amount of the payment is the equivalent in cash of the female worker's salary or daily wage.

Retirement pension

131. Uruguayan positive law provides for four types of retirement pension: ordinary, special, early, and old-age.

132. The basic conditions of eligibility for an ordinary retirement pension are a minimum age-limit, which varies depending on whether the member is a man or a woman (60 for men and 55 for women) and a minimum number of years' service, which is the same for both sexes (30 years).

133. Persons who have been completely and permanently disabled at work, for whatever reason, are entitled to a special retirement pension.

134. This is the retirement pension granted to some persons who have held high public positions (whether appointed or elected).

135. Persons are eligible for this benefit when they reach the age of 70 (65 in the case of women) and can certify a minimum of 10 years' service.

Other pensions

136. The following circumstances render a person eligible for entitlement to other pensions:

(a) The death of a worker or retiree;

(b) The death of an unemployed worker, either during the period in which he is covered by the unemployment scheme or during the 12 months immediately following the termination of work, if he was not a beneficiary of the unemployment scheme;

(c) A declaration that a worker or retiree is absent;

(d) The disappearance of a worker or retiree in a well-known or publicized accident;

(e) The suspension of the retirement pension on the grounds of prosecution for an offence entailing imprisonment.

137. A widow, a divorced woman, unmarried children under 21 years of age, unmarried children over 21 years of age who are completely unfit for any kind of work, a widower who is completely unfit for any kind of work, parents who are completely unfit for any kind of work, unmarried adult daughters who at the time of the death of the principal are 45 years old, who certify that they had devoted themselves wholly and exclusively to the care of their parents or brothers and sisters, if the principal is not succeeded by a disabled widower or widow, are entitled to a pension.

138. The beneficiaries of the allowance are the same as the beneficiaries of the pension and the maximum amount is the equivalent of four times the national minimum wage. Application for the benefit must be made within 180 days from the date of the death of the principal.

139. The benefit is granted to every inhabitant of Uruguay who is over 70 years of age or is permanently unfit for any kind of work.

Occupational accidents and diseases

140. Under the provisions of Act No. 16074 of 10 October 1989 insurance against occupational accidents and diseases is obligatory. Employers incur civil liability for any accidents which befall their workers. The obligation to provide insurance is binding on employers in the private sector and on the State in respect of public employees. Any worker who is injured must accept the assistance provided by the Insurance Bank.

141. An injured worker is entitled to a daily indemnity calculated on two thirds of the daily wage or the monthly salary, and it is payable with effect from the fourth day of absence from work. The wage or salary used to calculate the temporary indemnity must be updated at least every four months, according to the average wage index of the Statistics and Census Department for the month preceding the one in which the accident occurred and the month prior to the date on which the wage or salary is due to be updated.

142. In the case more than 10 per cent permanent disability, the Insurance Bank makes a single indemnity payment equivalent to 36 times the monthly reduction the disability has caused in the salary or the daily wage. Where the disability is greater than 20 per cent, an income is paid equal to the reduction the disability has caused in the salary or wage. If, because of the extent of his or her injuries, the disabled person cannot live without the assistance of other persons, the income paid is increased to 115 per cent of

the salary or daily wage. The State Insurance Bank must adjust the annuities paid for permanent disability at least once a year. This adjustment must be made exclusively in terms of the average wage index.

143. Under Act No. 16074 an occupational disease is one caused by physical, chemical or biological agents used or handled during the performance of the work or present at the workplace. Temporary compensation for occupational diseases must be paid in accordance with the same system as the one used for the payment of compensation for occupational accidents.

144. If a worker has died as the result of an accident or illness, his beneficiaries shall be entitled to a life annuity. A surviving spouse who is not divorced or de facto separated receives 50 per cent of the wage or annual remuneration. A common-law wife or husband of the accident victim who can prove that they had lived together for a period of more than one year at the date of the death is also so entitled. If, together with the spouse, minors or disabled persons are involved, the annuity is increased by 20 per cent of the annual wage for one such person, to 35 per cent for two, to 45 per cent for three and to 55 per cent for four or more. In the absence of such beneficiaries, the ascendants of the accident victim are entitled to an annuity, provided that they had been living at his expense.

145. Any worker who is the victim of an occupational accident or disease must be allowed to return to the same post once his recovery has been verified and he may not be dismissed until at least 180 days after his return. If the firm fails to comply with this provision, the worker shall be entitled to severance pay equivalent to three times the amount laid down in the labour laws in force.

146. With the profit earned from the premiums, the Insurance Bank has set up a Development Fund for the Rehabilitation of Persons Disabled by Occupational Accidents and Diseases. The aims of this Fund are:

(a) To subsidize public or private institutions which promote the rehabilitation of disabled workers;

(b) To establish scholarships to study the rehabilitation of disabled persons;

(c) To finance courses, information material and publicity campaigns on rehabilitation.

Article 10

Constitutional provisions

147. The section of the Constitution on rights, duties and guarantees includes several articles on protection of the family:

(a) Article 40 provides that "The family is the basis of our society. The State shall safeguard its moral and material stability so that children may be properly reared within that society";

(b) Article 41 specifies: "The care and education of children, so that they may attain their fullest physical, intellectual and social capacity, is the duty and the right of parents. Those who have large families to support are entitled to compensatory assistance in the event of need.

The law shall order the necessary measures to protect infants and young people against physical, intellectual, or moral neglect by parents or guardians, as well as against exploitation and abuse".

(c) Article 42: "Parents have the same duties towards children born out of wedlock as towards children born in wedlock. Motherhood, regardless of the status or circumstances of the woman, warrants the protection of society and assistance in the event of desertion".

The legitimate family

148. Civil marriage is obligatory throughout the territory of the State and since 21 July 1885, marriages are recognized as lawful only if contracted in accordance with the rules of the Civil Register of civil status (Civil Code, art. 83). Accordingly, children are presumed legitimate only if born within a marriage which has been duly contracted in the presence of the Registrar.

149. Article 215 of the Civil Code presumes that a child has been conceived in wedlock if it is born more than 180 days after solemnization or within 300 days following dissolution of the marriage. However, the husband can disclaim paternity if he is able to prove by ordinary court proceedings that it was physically impossible for him to gain access to his wife between the three hundredth and the one hundred and eightieth day before the child was born (art. 217 of the Civil Code).

150. The husband cannot disclaim paternity in the following cases:

(a) If he was aware of the pregnancy before the marriage;

(b) If it can be proved that his surname was entered on the birth certificate with his consent and in his presence;

(c) If the child was born incapable of life and does not survive 24 hours.

Natural affiliation

151. Natural children are children conceived whilst their parents are not united in wedlock. However, they do not have the legal status of natural children unless acknowledged or declared to be such (Civil Code, art. 227).

152. In accordance with domestic law, status as a natural child exceeds biological paternity and maternity and requires a voluntary act of acknowledgement. Acknowledgement may be express or tacit (Civil Code, art. 233). Express acknowledgement should be made by public deed (formal act)

in the presence of a notary, by testamentary disposition, or in the presence of a registrar of civil status, either during or after registration of the birth. Tacit acknowledgement is made by verifying public civil status as a natural child in the presence of a competent judge.

153. Public status as a natural child requires that the child continue to be treated as it was previously at home, with friends, relatives and the community in general for at least 10 consecutive years.

154. As a safeguard for legal marriage and the rights of children born in wedlock, a child cannot be recognized as natural when an attempt is made to ascribe paternity or maternity to a man or woman legally married to somebody else. This legal impediment is overcome in daily legal practice by bringing an affiliation suit against the legally married father or mother. In such cases, submission to the action brought has the juridical effect of a confession. The confession takes the place of proof and the child is entered as natural in the Civil Register. Once the conjugal tie which united either or both spouses who are the child's biological parents has been dissolved, the child can be legitimized by the parents' subsequent valid marriage (Civil Code, art. 228). From that moment the child acquires legitimate affiliation in all documents.

Adoptive family

155. Adoption is permitted only where the adoptive parent is over 45 years of age and has no legitimate issue. The adoptive parent must be at least 18 years older than the adoptee (Civil Code, art. 243).

156. In order for adoption to have legal force in Uruguay, it must be done by public deed, be accepted by an adoptee who is of full legal age, or be consented to by his legal representatives if the adoptee is a minor, mentally unsound or a deaf mute incapable of expressing his or herself in writing. Adoption must be entered in the Adoptions Register kept by the Civil Register Department. A salient characteristic of this principle of family law, which is heir to the Roman tradition, is that adoption should not cause juridical relations with the family of origin to be severed (Civil Code, art. 240). Thus, the adoptee remains part of his or her natural family, in which he or she retains all rights. None the less, the adoptee acquires rights of inheritance from the adoptive parent (Civil Code, art. 250). From that time, the child is legitimately affiliated in all documents.

Adoptive legitimation

157. Adoptive legitimation is applicable to abandoned children, orphans, children of an unknown father and boarders at the National Institute for Minors who have been abandoned by their parents for more than three years. Adoptive legitimation may be requested by 2 spouses who have been married for 5 years, are over 30 years in age and are 20 years older than the child. The child must have been in their care for at least three years.

158. This active legitimation is extended to widowers and widows and to divorced spouses when care of the child would have commenced during the marriage and finished after its dissolution.

159. In contrast to simple adoption, adoptive legitimation cannot be granted to persons over 18 years of age.

160. Adoptive legitimation is declared by a special judicature for minors (juvenile courts) after the particulars on which the petition is based have been summarily verified.

161. Adoptive legitimation has a constitutive effect which overrides the minor's civil status and cancels previous ties of affiliation. The executory judgement allows a petitioner to register the minor as legitimate, outside the time-limit.

162. The Chamber of Representatives' Commission for Juveniles is considering a bill to the effect that adoptive legislation should reduce stipulations on age and on time spent in care and that current adoption procedure should be changed so that the competence of the National Institute for Minors is replaced by the special judicature for minors. The bill which is under consideration by the Chamber of Representatives' Commission for Juveniles is attached as an annex (see list of annexes).

Minority

163. Under the Uruguayan Civil Code, an individual reaches his majority for civil purposes at the age of 21. Marriage and emancipation accord the minor full civil capacity (Civil Code, arts. 382 and 283). Emancipation must be by public deed, in which the father or mother declares and consents to the child's emancipation, the child being over 18 and under 21 years of age. Emancipation must be authorized by the competent court after having been considered by the Attorney General's Office.

164. An orphan who is under age can be declared to be of full age after authorization has been given by a competent court which vouches by summary information that the person is able to conduct his affairs.

165. As regards the crimal law, minors who are under 18 years of age and commit crimes or misdemeanours, and minors who are 21 and in a state of moral or material abandonment, must be put at the disposal of the juvenile court. It must pronounce sentence after an investigation of the case and order the regime of supervision and protection it sees fit. In all cases the minor shall be examined by a psychiatrist, who shall report to the central office within 48 hours on the offender's physical and psychological state.

Specific incapacities

166. Males under 14 and females under 12 cannot enter into marriage, even if they freely consent to do so.

Free consent of spouses

167. In accordance with article 195 of the Civil Code no marriage shall take place without the assent or permission of the person or persons whose consent is necessary, or without proof that neither party needs the consent of another person, or has obtained legal consent.

168. Persons under 21 years of age who wish to marry need the express consent of their legitimate or natural parents or of their guardians (Civil Code, arts. 106, 107, 108 and 109).

169. If the person or persons required to give their consent refuse to do so, an application may be made to the Appeal Court. The procedure is verbal and the ruling is enforceable (art. 10). Article 91 of the Civil Code recognizes that failure of the contracting parties to consent constitutes a decisive impediment. Their consent must be recorded on the marriage certificate and signed by both parties contracting matrimony.

Protection of motherhood

170. Under the constitutional provision (art. 42, para. 2) which protects motherhood, Uruguayan law has developed a framework of integral protection which covers matters such as health, benefits and allowances. Thus, in accordance with the Children's Code, which was adopted in 1934, the present-day National Institute for Minors provides the following services either locally or via departmental or local committees:

(a) Assistance for pregnant women;

(b) Assistance for mothers and newborn children;

(c) Material, legal and moral assistance for single mothers.

171. Article 23 of the Children's Code states: "Prenatal protection entails protection of the child before birth, in the most comprehensive, modern and scientific way". It therefore covers:

(a) Eugenics and pre-marital counselling;

(b) Protection and medical care during pregnancy;

(c) Medical care during labour and post-natal confinement;

(d) Canteens for mothers;

(e) Shelters for pregnant women;

(f) Shelters for mothers;

(g) maternity allowance;

(h) prenatal classes.

172. Protection and assistance is provided for pregnant women in Ministry of Public Health polyclinics and hospital departments. See paragraphs 83 to 90 of this report for protection accorded to working women.

Article 11

173. In order to fully satisfy the Committee's requirements, the available statistical information supplied is from the Statistics and Census Department.

Right to housing

174. Article 45 of the Constitution states:

> "Every inhabitant of the Republic has the right to decent housing. The law shall seek to ensure hygienic and economical housing, by facilitating the purchase thereof and stimulating the investment of private capital to this end."

Although established in the Constitution, this right has not been fully realized in our country, for there is a major shortage.

175. The main law on town leasing is Act No. 14219 of 4 July 1974, which liberalizes rents. Since 1974, they are based on a free market and supply and demand determine the rent for a house/dwelling in Uruguay.

176. The parties set a price (in the national currency or in dollars), for a year. Once the year is ended, the price is updated quarterly in accordance with the percentage increase of the Index Cost during the 12 months immediately prior to the month in which the rent is being updated.

177. Contracts for a house/dwelling must be for a minimum of two years. Once the term expires, the tenant is entitled to an extension of a year if the parties do not renew the contract. When the extension period expires, the lessor may at any tme request that the property be vacated within a year.

178. Section 3 of Act No. 14219 ordered that an emergency housing register be created. Anyone entered on the register is automatically exempt from eviction pending an adjudication of the housing by the Mortgage Bank of Uruguay. This provision protects tenants, subtenants and poor occupants with contracts dating from before 1974, and is a guarantee of enormous benefit to low-income sectors of the population.

179. In legislation, rural leasing is governed by Act No. 14384 of 18 July 1978. The Act provides that all rural producers are entitled to a minimum investment in the land they occupy and, to working conditions which allow them to develop their holdings economically, whilst making a reasonable profit.

180. When the proprietor grants the use or enjoyment of an agricultural holding, the maximum period of tenure for the agricultural producer must be determined so as to protect farm work, without detracting from the general

principle that farming is subordinate to the national interest in preserving the fertility of the soil, and without prejudice to the measures stipulated in the Act, which are intended to ensure that the rental and the sharecropping percentages are maintained equally for both contracting parties, conditional on the normal profitability of the holding.

181. If real property intended for farming, ranching or mixed farming is taken out on any lease contract executed after 1975 which does not stipulate the term, or stipulates a term under six years, the lessee is entitled to consider the lease as valid for six years. When the stipulated term expires, the lessee is entitled to opt to remain on the property until the total period is 10 years.

182. In accordance with article 41, the tenant has a maximum period of one year to vacate the property.

183. The National Land Settlement Institute has a preferential right to buy properties of more than 1,000 hectares. The Institute can transfer the property to the lessee or tenant farmer for a maximum period of seven years.

184. Act No. 14495 of 29 December 1975 was passed to prevent an increase in large estates and holding unproductive land for speculation. It prevents legal persons and non-commercial partnerships and de facto associations from taking on rural leases for properties with a real value which exceeds the equivalent of 3,000 hectares, without authorization from the Executive. Act No. 13608 of 8 September 1967 declared it to be in the public interest for the right of ownership of rural real estate and the practice of mixed farming be exercised by individuals or by partnerships. Joint stock companies can only own, acquire or manage rural real estate when all the share stock consists of registered shares and the shareholders are natural persons.

185. Act No. 13728 of 17 December 1968 regulates the cooperative system of housing. Cooperatives enjoy legal status once the by-laws are adopted. They must be entered in notarially recorded public or private documents and the National Housing Department has a register of existing cooperatives.

186. Cooperative housing associations are associations which have a minimum of 10 and a maximum of 200 members and which aim to provide housing and related services by the construction of a building or housing complex.

187. The cooperative association within the cooperative housing system can consist either of users or owners. In the case of cooperative associations consisting of users, the cooperative grants the recipient client a contract for usufruct of the property. The contract expires:

(a) On voluntary withdrawal of the member or heir;

(b) On expulsion of the member as a result of failure to make the appropriate repayments or as a result of the gross negligence in his duties as a member;

(c) On dissolution of the cooperative.

188. In such cases, the cooperative has a period of 180 days to pay 50 per cent of the repayment to which the client is entitled. The remaining 50 per cent must be paid in cash once a replacement member has been designated, for a period of not more than a year. In the case of cooperatives of owners, the cooperative can retain ownership of the property until the loans are repaid. Once the property has been awarded, the members must directly repay the mortgage loans granted to them.

189. In 1990, the Ministry of Housing, Regional Planning and the Environment was set up on the order of the Executive, with the endorsement of the legislature. The task of this new Ministry is to work out national housing policy in strict coordination with the Mortgage Bank of Uruguay. One of the first steps taken by the Ministry was to create an advisory committee to conduct a full survey of public land which can be used for low-cost housing and to regularize the current situation with regard to improper land occupation by third parties.

190. Act No. 11029 of 12 January 1948 established the National Land Settlement Institute. In accordance with its rules, settlement may be:

(a) Individual, when the holding is being managed by the settler and his family;

(b) Cooperative;

(c) For common use.

191. Settlement priority is given to public land which is economically suited to the creation of production centres. With regard to expropriation, preference is given to uncultivated land near large populated areas where there are irrigation facilities and not too many housing estates. Attached is the full text of the Act which regulates land settlement (Act No. 11029 of 12 January 1948) (see list of annexes).

Right to food

192. According to the criteria set by the Economic Commission for Latin America, poor families account for 22.9 per cent of Uruguay's total urban population, in other words, 175,000 households.

193. There is a marked difference in the way poor families and families that are not poor obtain food. In most cases, families which are not poor buy non-perishable items and go to a supermarket or large chain store, where they pay in cash. Poor families usually buy on credit at their local store and do not pay until the head of the family receives his wages. This system has no backing and is based on mutual trust. Less than 2 per cent of poor families obtain food by gathering or by begging.

194. Most Uruguayans do not lead nutritionally balanced lives. Two main groups of nutritional disease prevail:

(a) Illness due to excessive food intake. In a study conducted by INDA (Epidemiology of obesity in Uruguay) of a random sample of 2,114 women and 2,249 men aged over 18, 50 per cent of the women and 42 per cent of the men were found to be obese. The survey produced significant findings:

> Firstly, 42.5 per cent of women who are obese are seriously so, and the degree of obesity increases in inverse proportion to their socio-economic status. There is a 7 cm difference in stature between men from the lowest and from the highest socio-economic group.

(b) Illness due to inadequate food intake. The most common deficiency diseases (undernourishment, anemias, rickets) are associated with the poorer population, in particular with high vulnerability groups such as children under five, pregnant women and nursing mothers. In October/November 1987, the National Nutrition Institute conducted the first national survey into the stature of children in their first school year. Forty seven thousand one hundred and sixty school children were evaluated and the areas were identified with the most underdeveloped children. These are the departments of Artigas, Cerro Largo, Flores, Lavalleja, San José and Treinta y Tres. A study carried out by the same Institute in 1989, to determine the nutritional status of pregnant women cared for by the Ministry of Public Health receiving help under the national nutrition programme, found that 36.3 per cent of the women had nutrition-related diseases, due either to excessive or inadequate food intake.

195. The reasons for these figures do not always depend on structural factors; of tremendous importance too are the nutritional habits of individuals.

196. A random sample of specific foods eaten the previous day reveals:

Frequent:	milk	90%
	sugar	86%
	bread	85%
	oil	79%
	cereals	75%
	meat	79%
	potatoes	67%
Fairly frequent:	fruit	57%
	green vegetables	52%
	sweets	43%
	eggs	27%
Infrequent:	cheese	7%
	pulses	5%

197. Policies and programmes have been established in order to realize the right to adequate food:

(a) Commerce and Supply Department. Established in 1947, its main function is to play a part in the sale of non-perishable foods, supplying basic products at low cost to the least-protected sectors of the population;

(b) National Nutrition Institute. It is carrying out the following food aid programmes at the national level:

(i) A refectory service. Eleven in Montevideo, and 32 in the country's interior. It provides 4 daily meals free of charge in the form of a balanced diet approved by dieticians;

(ii) Help to 230 private institutions by contributing dried foods;

(iii) Help to schools by donating powdered milk;

(iv) Help to the chronically ill (500 beneficiaries in Montevideo);

(v) Supplementary nutrition programme, together with mother and child supplementary aid subprogrammes, coordinated with the Ministry of Public Health, in association with primary health programmes. Covers 84,130 people, i.e. 13,834 pregnant women and wet nurses and 70,296 children. In coordination with the Social Welfare Bank it supplements food aid to the elderly people and helps 48,284 pensioners;

(vi) Additional food aid to families at social risk: 8,800 recipient families;

(vii) Infants and the Family Assistance Centre (CAIF). INDA participates by means of nutritional studies and monitoring of this population sector at 41 centres which help 2,000 children;

(c) Ministry of Public Health programme of nutritional education and food aid. Assist nursing mothers and children up to four years of age at polyclincs;

(d) Primary Nutritional Services. Provided by the Health and Social Welfare Department. There are 2,076 refectories used on average by 159,076 people a day. In 1990, the State provided the Service with 329,579,000 new pesos worth of food.

(e) The National Institute for Minors. Assists 2,990 people under 2 subprogrammes: food aid to 1,148 children who are full time boarders (orphans, abandoned children) and to 927 half-boarders;

(f) Municipal Office of Montevideo. Six thousand five hundred litres of milk a day and 4,500 litres a day to refectories and diners. Subsidized milk at a number of outlets (35,000 litres at a price of US$ 0.01).

198. The People's Canteens Coordinating Committee established in 1983, has 15 canteens which provide a dining service to underprivileged sectors of the population in the suburbs (La Teja, Cerro and Belvedere districts).

Article 12

Constitutional provisions

199. Under article 44 of the Constitution:

> "The State shall legislate on all matters relating to public health and hygiene and endeavour to bring about the physical, moral and social betterment of all inhabitants of the country.
>
> It is the duty of all inhabitants to look after their health and seek assistance in the event of illness. The State will provide, free of charge, the means of prevention and treatment to indigents and persons without sufficient means."

200. Available statistics show that State health services provide full coverage to 39 per cent of the population.

201. Group medical schemes cover 50.5 per cent of the population. Medical institutions in these schemes provide the following services:

(a) Polyclinics or consultants;

(b) Clinical tests;

(c) Hospitalization;

(d) Operations;

(e) Rehabilitation treatment;

(f) Maternity and post-natal care;

(g) Intensive care centres for adults and newborn babies.

202. The average basic financial contributions of members to these institutions varies from NUr$ 45,000 to NUr$ 50,000. This represents 50 per cent of the national basic minimum wage. The law requires all private firms which employ workers to provide for medical coverage by a mutual benefit scheme (DISSE).

203. According to the attached table, 1,471,860 persons were members of group schemes in 1988 - 974,856 in the Department of Montevideo, 82,584 in the Department of Canelones and 414,420 in the rest of the country. In 1988 the total number of patient/days at medical establishments in the institutional sector (Ministry of Public Health (MPH)) was 1,476,571, with a daily average of 109.4 admissions, 103.8 discharges and a death rate of 5.6 per cent of the total.

204. The percentage of the GNP earmarked for health was 4.29 per cent in 1984, 5.27 per cent in 1985, 6.18 per cent in 1986 and 6.80 per cent in 1987.

Table 8

Distribution of health expenditure
(in millions of dollars) 1987

	Total	Total of pattern
I. Institutional	379.1	78.6
1. Public	137.8	28.5
1.1 MPH	86.8	17.8
1.2 Hospital clinics	18.5	3.8
1.3 Armed Forces health service	17.3	3.7
1.4 Police health service	9.7	2.0
1.5 AFE service	1.3	0.3
1.6 ANCAP service	2.1	0.4
1.7 BHU service	0.3	0.1
1.8 Others	2.1	0.4
2. Semi-private	219.9	45.4
2.1 IAMAC	195.3	40.5
2.2 BPS DISSE DAF	6.9	1.4
2.3 Banco de Seguros del Estado	7.1	1.5
2.4 IMAE	9.6	2.0
3. Private		
3.1 Sanatoriums	22.4	4.7
II. Non-institutional	103.2	21.4
III. General total	482.3	100.0

205. The final report will give detailed information on the rate of infant mortality, access to drinking water, sewage disposal, life expectancy and access to medical personnel.

206. The maternal mortality rate in Uruguay is approximately 2.6. Pregnancy-related, childbirth-related and puerperal infections cause few deaths in our country. For example, in 1986, only 14 women died from such causes:

Illegal abortions	5
Haemorrhage during pregnancy	1
Puerperal complications	2
Direct obstectric causes	6
Total	14

207. The following public services are provided for women's health:

(a) Gynaecological assistance free of charge to low-income women in all the health centres of the Ministry of Public Health and the Municipal Office of Montevideo;

(b) Free pregnancy checks in all such health centres;

(c) Mother and child care furnished by the Family Allowance Service, for beneficiaries of the Social Welfare Bank;

(d) Polyclinic for teenagers and teenage mothers in the Pereira Rosell Hospital;

(e) Food supplement programme for pregnant women and nursing mothers with mandatory medical checks, throughout Uruguay;

(f) Family planning programmes. Health centres of the Interior, Pereira Rosell Hospital;

(g) National programme on AIDS and sexually-transmitted diseases. Mandatory VDRL test and control of prostitution;

(h) Information on and/or early detection of perinatal complications, MPH Health Centres; encouragement of painless childbirth, public health centres.

208. The following measures have been adopted to prevent epidemic, endemic and other illnesses:

(a) Between 1984 and 1988 the Ministry of Public Health was notified of 15,953 cases of STD ranging from trichomoniasis to genital herpes. The law has so far made VDRL test mandatory in the first and last three months of pregnancy;

(b) Where AIDS is concerned, 50 new cases were observed between 1983 and 1989, 309 persons were found to be HIV-positive, and 29 people died in the terminal phase of the illness;

(c) Chagas' disease has affected 379 persons in the past four years, 80 per cent of the cases being concentrated in rural areas in northern Uruguay;

(d) Tuberculosis has declined significantly. In 1986 1,082 cases were recorded, 1,023 in 1987 and 900 in 1989;

(e) The Ministry of Public Health has now defined 12 main pathologies affecting the health of the population and revealing a high incidence of deaths in recent years. These are cancer, cardiovascular illnesses, hydatid disease and Chagas' disease, drugs, AIDS and cholera.

209. The Municipal Office of Montevideo is carrying out a Zone Health Programme, with interdisciplinary groups of technicians who, along with the Zone Health Commissions, are endeavouring to promote a more participatory model of health care with inputs from the organized community.

Articles 13 and 14

Constitutional provisions

210. Education is organized in keeping with the terms of the Constitution. Article 8 establishes the principle of equality, whereby "All persons are equal before the law, with no distinction other than talent or virtue". In the section on rights, duties and guarantees, article 68, 69, 70 and 71 concern freedom of education and the compulsory nature of primary, intermediate or industrial education, and the fact that education is free of charge is declared to be in the interest of society.

211. The Eastern Republic of Uruguay is one of the few countries in South America in which education is completely free of charge under the Constitution. This provision in itself ensures access by all social strata to education, regardless of the social and financial opportunities of the student and his family. In an institutional system which fosters the spread of culture and ensures that all inhabitants (nationals and foreigners) have equal access to centres of education, the right of parents to choose between public and private education is suitably guaranteed. There are both public and private institutions (both non-religious and religious) and they are subsidized by the State under a broad-based system of tax exemptions.

Organization of educational services

212. Act No. 15739 of 25 March 1985 set up the National Public Education Administration as an independent body. Its work includes, inter alia:

(a) Bringing education to all the inhabitants of Uruguay by schooling for all and the promotion of continuing education;

(b) Fully affirming the principles of non-religious and compulsory education free of charge;

(c) Paying special attention to inculcating moral and civic awareness, defending moral values and the principles of freedom, justice, social well-being, the rights of the individual and democratic and republican form of government;

(d) Stimulating self-education, fostering self-expression and the student's skill in analysing and assessing situations and facts;

(e) Encouraging a policy of assistance to students to ensure their place in Uruguayan life through programmes and plans linked to national development;

(f) Stimulating scientific research and ensuring that further training and specialization scholarships are created.

213. The subsidiary bodies of the National Public Education administration are the Central Governing Council, the National Public Education Department and the Council for Primary, Secondary and Technical and Vocational Education. The Central Governing Council is responsible for establishing the general guidelines which the Decentralized Councils must follow in preparing curricula.

Statistical information

214. In the attached tables (see list of annexes, annex X) information is supplied on:

Table 2.01 Number of pre-primary establishments and pupils.

Table 2.02 Number of public and private pre-primary education establishments, by Department.

Table 2.03 Number of public pre-primary education establishments and pupils.

Table 2.04 Number of pre-school-type public pre-primary education establishments and pupils.

Table 2.05 Number of pre-school-type private pre-primary education establishments.

Table 2.06 Number of public and private primary education establishments, teachers and pupils, by Department.

Table 2.07 Number of private and public primary education establishments, teachers and pupils, by Department.

Table 2.08 Number of private primary education establishments, teachers and pupils.

Table 2.09 Number of public and private primary education establishments, teachers and pupils in urban and rural areas.

Table 2.10 Number of public and private primary education establishments, by year, and by major areas and form of administration.

Table 2.11 Number of public and private primary education pupils, by year and sex.

Table 2.12 Number of private and public primary education pupils, by year and grade.

Table 2.13 Number of public primary education pupils, by grade.

Table 2.14 Number of private primary education pupils, by grade.

Table 2.15 Number of assistants in public primary education, 1978-1988.

Table 2.16 Number of special primary education establishments and classes, teachers and pupils, by year and type of disability.

Table 2.17 Number of special primary education pupils, 1978-1988.

Table 2.18 Number of open-air public primary education establishments and teachers and pupils, by major area, 1985-1988.

Table 2.19 Number of public adult primary education centres, by major areas, 1978-1988.

Table 2.20 Number of secondary education establishments by year and form of administration, by Department.

Table 2.21 Number of secondary education pupils in day classes, by Department.

Table 2.22 Number of secondary education pupils in night classes, by year and Department.

Table 2.23 Number of private and public secondary education pupils in day classes, by year and major area, by cycle and grade.

Table 2.24 Number of public secondary education pupils in night classes by year and major area, by cycle and grade.

Table 2.25 Number of public technical education pupils by year, by major area and type of course.

Table 2.26 Number of public technical education pupils by year, by major area and type of course.

Table 2.27 Number of technical education pupils, by type of course, by Department.

Table 2.28 Number of technical education establishments by type and number of pupils by sex, by Department.

Table 2.29 Number of technical education pupils by type of course, by cycle and grade.

Table 2.30 Number of establishments and students with teacher training for primary education, by year and Department.

Table 2.31 Number of graduates from primary education teacher-training institutes, by major area, 1978-1988.

Table 2.32 Number of graduates from primary education teacher-training institutes, by year, by Department.

Table 2.33 Number of students of the Artigas Teachers' Institute, by year, by academic sector.

Table 2.34 Number of students of the Artigas Teachers' Institute, by year, by Department.

Table 2.35 Number of students of the Higher Institute of Teachers, by year, by advanced course.

Table 2.36 Number of graduates from the Artigas Teachers' Institute, by year, by academic sector.

Table 2.37 Number of graduates from the Higher Institute of Teachers, by year, by advanced course.

Table 2.38 Number of students of the Technical Institute for the training of technical teachers, by year, by academic sector.

Table 2.39 Number of graduates from the Technical Institute for the training of technical teachers, by year, by academic sector.

Table 2.40 Number of students of the University of the Republic - results of the University Census, by sex, place of birth, by service.

Table 2.41 Number of admissions to the University of the Republic by year, by major area, by sex, by service.

Table 2.42 Number of teaching posts in the University of the Republic, by year, hours taught weekly, by faculty.

Table 2.43 Number of teaching posts in the University of the Republic, by year, teaching level, by faculty.

Table 2.44 Number of graduates from the University of the Republic, by year, by sex, by faculty and academic sector.

Table 2.45 Number of enrolled students and teachers in Uruguay's only private university, by year, by faculty.

Table 2.46 Number of graduates from the Catholic University, by year, by faculty.

Illiteracy rate

215. Statistical data taken from the 1985 Population and Housing Census (see list of annexes, annex XI) can be found below:

Table 6 Population aged 10 and over, by literacy and sex, by major area and age group.

Table 7 Population aged 10 and over, by literacy and sex, by Department and area.

Table 8 Population aged 6 and over, by regular school attendance, by major area and age group.

Table 9 Population aged 6 and over, by regular school attendance, by Department and sex.

Table 10 Population aged 12 and over, by educational level, by major area and age group.

Table 11 Population aged 12 and over, by educational level, by Department and sex.

Table 12 Population aged 12 and over, by years of education completed and averages therefor, by major area, sex and age group.

Table 13 Population aged 12 and over, by years of education completed and averages therefor, by Department and sex.

Table 9

Changes in teachers' salaries

Year	Schoolteacher	University teacher	Real salary
1973	100.0	100.0	100.0
1975	86.4	117.3	88.7
1980	41.7	102.4	81.4
1982	60.6	99.5	77.4
1984	36.3	63.7	52.9
1988	38.6	78.7	67.3

Source: CELADU.

Article 15

Constitutional provisions

216. Articles 33 and 34 of the section of the Constitution on rights, duties and guarantees set out the general framework for protection of the country's artistic wealth.

217. Article 33 provides:

> "Intellectual work and the rights of authors, inventors or artists shall be recognized and protected by law."

218. Article 34 states:

> "All Uruguay's artistic or historical wealth, whoever the owner, constitutes the cultural treasure of the Nation; it shall be placed under State protection and the law shall establish any appropriate measures for such protection."

Act No. 9739 of 15 December 1937

219. This Act protects the moral rights of the author of any literary, scientific and artistic creation and recognizes copyright on the product of his thinking, science or art. Copyright includes the power to dispose of, reproduce, publish, translate, carry out, distribute in any form and represent or authorize third parties to do so. This right is recognized in national law irrespective of the origins of the work, the nationality of the author and without distinction as to philosophical, political or economic school, sect or trend. The author retains his right of ownership throughout his life and it then goes to his heirs or legatees for 40 years after his death. The National Library shall keep a register of authors' rights, in which those concerned are required to register their works.

220. Implementation of this Act is monitored by the Copyright Council, comprising nine members, made up of the Director of the National Library, a delegate representing Uruguayan playwrights, a delegate representing Uruguayan authors or musical composers, a delegate of the Circle of Fine Arts, a delegate of the Press Circle, a delegate of the National Fine Arts Commission and three members appointed by the Executive.

Science and technology in Uruguay

221. A Science and Technology Advisory Group has been operating in Uruguay since June 1989. The Group's work is:

(a) To advise the Ministry of Education and Culture on the drafting of a scientific and technological development programme for Uruguay;

(b) To collect and consider relevant information;

(c) To analyse the methodology to be recommended for diagnosing scientific and technological needs and capacities;

(d) To establish a link to facilitate coordination between the scientific and technological activities carried out by Uruguay's various public and private institutions.

222. The Advisory Group is made up of representatives of the Ministry of Education and Culture, the Science and Technology Department, the National Industrial Policies and Development Centre, the Ministry of Industry and Energy, the Veterinary Research Centre, the Scientific and Technological Research Council, the Ministry of Foreign Affairs, the University of the Republic, the Chamber of Industry, the Rural Association and the Latin American Centre on Human Economics (CLAEH).

Table 10

Projects devised

Area	Project	
	Number	Percentage
Agriculture	206	27.6
Industry	49	6.9
Defence and National Security	9	1.2
Health and hygiene	172	22.5
Basic know-how	104	13.6

223. The studies carried out by the Advisory Group give estimated costs of approximately US$ 12 million for the network of scientific and technological institutions and approximately US$ 18 million if the industrial sector of production is taken into account. These figures amount to 0.19 per cent and 0.28 per cent of GDP.

Table 11

Expenditure by sector on scientific research

Institutional sector	Percentage of expenditure
University	34.8
Public enterprises	1.9
Central Government	37.0
Ministry of Livestock, Agriculture and Fisheries	15.3
Private sector	9.9

224. In 1988, the University established the central programme for scientific and technological research and artistic activities, which includes projects divided into the following seven main groups:

(a) Multidisciplinary and support projects;

(b) Basic sciences;

(c) Health science;

(d) Agricultural science and technology;

(e) Industrial technology;

(f) Social science;

(g) Humanities and art.

225. The programme includes the promotion of various postgraduate courses, since this type of activity is in the early stages. Ongoing projects include Master's degrees in economic development and planning and public and regional administration; a wider range of Master's degrees and doctorates in chemistry; postgraduate degrees in engineering and nuclear technology; the strengthening of the Mathematics Centre; and the establishment of the Social Science Research and Postgraduate Centre.

226. In 1988, the University used central funding for 47 introductory research fellowships for young teachers (26 in biotechnology and 21 in social science) and 20 fellowship supplements for young teachers studying abroad.

227. The University has concluded many agreements with foreign universities, especially in the region. Mention should be made of the following two projects which are being implemented:

(a) Regional postgraduate system in agricultural science organized by the University of Buenos Aires;

(b) Master's degree in metallurgical engineering, in conjunction with the Federal University of Rio Grande do Sul, Brazil.

228. In 1985, the University began to take measures specifically designed to establish a closer relationship with the country's productive sector. To this end, it first had to organize its own institutional structure. This phase led to the establishment of the General Department of Cooperation.

229. In order to create economic incentives so that university teaching staff may take part in cooperation programmes, a "bonus" system was established to increase teachers' income by salary allowances for those who agree to take part in special projects and activities. Posts for temporary assistants were also established in the University for industrial employees in order to create a special symbiosis between industrial workers and technical staff and the University.

230. The implementation of the Programme for the Development of the Basic Sciences started in 1984, when the prospect of an early return to democracy encouraged a group of Uruguayan scientists to establish a movement to get back to the scientific research levels of the early 1970s. The economic crisis and political persecution had a disastrous effect on the Uruguayan scientific community, so that, by 1984, fewer than 30 per cent of the scientists working in Uruguay in 1965 were still in the country. In terms of quality, the picture was even more serious, if account is taken of the fact that the scientists who emigrated included those of the highest scientific level and a large proportion of young people.

231. In late 1985, an unofficial survey showed that there were over 400 Uruguayans working in internationally known foreign centres where they held high-level posts and enjoyed the recognition of their foreign colleagues. It should be pointed out that, in early 1985, more than 18 Uruguayan researchers living abroad moved back to Montevideo to take part on an honorary basis in the design of the Pedeciba (Programme for the Development of the Basic Sciences). The Pedeciba received official support from the new democratic Government under an agreement whereby the Government and the University would work together for the first time in the history of the country to strengthen a spontaneous proposal made by the Uruguayan scientific community in exile.

232. The general purpose of the Pedeciba is to establish a stable and permanent high-level interdisciplinary system for research and for the training of human resources in the basic sciences and their technological applications to production. The following areas have been set up:

Biology:	87 researchers
Mathematics:	16 researchers
Physics:	13 researchers
Chemistry:	25 researchers
Data processing:	7 researchers

Projects	Areas	Field work
Biology	Cellular biology Biochemistry Genetics	33 laboratories with subsidies to purchase equipment.
Mathematics		Establishment of the Mathematics Centre.

233. The Programme has successfully obtained subsidies for research projects from the European Economic Community amounting to approximately $2 million.

234. The tables annexed hereto give details of projects implemented in 1990, 1991 and 1992 (see list of annexes, annex XII).

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Chart No. 2: Structure of the male population by age group, Montevideo, 1989

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* These documents submitted by the Government of Uruguay in Spanish are available in the United Nations Centre for Human Rights.

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Annex III Statistical information:

Unemployment rate by Department.

Annex IV Report of the Republic of Uruguay to the Committee on the Elimination of Racial Discrimination for the period 1986-1990.

Annex V Court decisions. Dismissals owing to development. Trade union activity.

Annex VII Statistical information on housing.

Annex VIII Information on the nutritional situation.

Annex IX Statistical information: Housing and health; birth rate and infant mortality rate; university health professionals.

Annex X Statistical information on education.

Annex XI Illiteracy rate.

Annex XII Ongoing projects: Science and technology.

Annex XIII Legislative provisions.